DISTRICT OFFICE: CESWG-PE-RE - Galveston

FILE NUMBER: SWG-2007-471

PROJECT	LOCATION	INFORM <i>A</i>	TION:
---------	----------	-----------------	-------

PROJE	CT LOCA	ATION INI	FORMATION:		
Sta		Texas			
	inty:	Jackson			
			e (latitude/longitud		28-40-30.35N; -96-23-27.17W
					guplands: -0.017 acres.
			ay: Carancahua Ba		
Nai	ne of wate	rshed:	Central Matagorda	a Bay	
JURISE	ICTION	AL DETEI	RMINATION		
			letermination	$\boxtimes$	Date: 3-13-07
	•	Site visit(:		ā	Date(s):
		one risid.	3)		Duto(5).
Jui	isdictiona	l Determin	nation (JD):		
	Prelimina	ary JD - Ba	sed on available in	nformation	, $\boxtimes$ there appear to be (or) $\square$ there appear to be no "waters of the
	United S	tates" and/o	or "navigable wate	rs of the U	nited States" on the project site. A preliminary JD is not appealable
	(Referen	ce 33 CFR	part 331).		
<b>N</b> ZI	A	J. 115. A		1 1 1	( , (B, C , , , , , , , , , , , , , , )
$\boxtimes$		a 1D – An a I that apply		appealable	action (Reference 33 CFR part 331).
	Check ai	т тпат арргу	•		
	X There	<i>are</i> "navio	pable waters of the	United Sta	ates" (as defined by 33 CFR part 329 and associated guidance) within
			Approximate size		
			.,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	,	
	$\boxtimes$ There	are "water	rs of the United St	ates" (as d	lefined by 33 CFR part 328 and associated guidance) within the
	reviewed	area. App	roximate size of ju	ırisdictiona	al area:
	There				te waters or wetlands" within the reviewed area.
			Decision supporte Jurisdiction.	a by SWA	NCC/Migratory Bird Rule Information Sheet for Determination of No
			Jurisdiction.		
BASIS	OF JURIS	DICTION	AL DETERMIN	ATION:	
					vigable waters of the United States":
					and flow of the tide and/or are presently used, or have been used in
_					rt interstate or foreign commerce.
В.					s "waters of the United States":
$\boxtimes$					ised, or were used in the past, or may be susceptible to use in
					ers which are subject to the ebb and flow of the tide.
님					sterstate wetlands <sup>1</sup> .
LJ	(3) The p	resence of	other waters such	as intrastat	e lakes, rivers, streams (including intermittent streams), mudflats,
	doctruction	on of which	sioughs, prairie po	onioies, we	t meadows, playa lakes, or natural ponds, the use, degradation or nerce including any such waters (check all that apply):
					or foreign travelers for recreational or other purposes.
	(1) (1)	men are or	. could be used by	micistate (	n totolgh havelets for recreational of other purposes.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Carancahua Bay is a navigable water, subject to the ebb and flow of the tide and therefore, is subject to jurisdiction under Section 10 of the Rivers and Harbors Act.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

FILE NUMBER: SWG-2007-471

	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other:  High Tide Line indicated by: □ oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: As Stated by Applicant
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	is For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
	Other (explain):  REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Olivia  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Actual Resources Conservation Service Soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

LC

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e. occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG-PE-RE - Galveston

FILE NUMBER: SWG-2007-472

Sta Co Ce Ap Na	nte: ounty: nter coordi oproximate	ATION INFORMATION: Texas Calhoun inates of site (latitude/longite size of area (parcel) reviewe est waterway: ershed:		28.675399250362; -96.391105856952 ag uplands: 0.008 acres.
		AL DETERMINATION Desktop determination Site visit(s)		Date: 3-13-2007 Date(s):
Ju	risdictiona	al Determination (JD):		
	Prelimin United S	ary JD - Based on available		n, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
$\boxtimes$		ed JD – An approved JD is and that apply:	n appealabl	le action (Reference 33 CFR part 331).
		e are "navigable waters of the wed area. Approximate size		states" (as defined by 33 CFR part 329 and associated guidance) within ctional area:
		e are "waters of the United Starea. Approximate size of		defined by 33 CFR part 328 and associated guidance) within the nal area:
	☐ There			rate waters or wetlands" within the reviewed area.  ANCC/Migratory Bird Rule Information Sheet for Determination of No.
A.	Waters of	ence of waters that are subje	t 329 as "n ct to the eb	navigable waters of the United States":  bb and flow of the tide and/or are presently used, or have been used in ort interstate or foreign commerce.
<b>B.</b> ⊠	(1) The printerstate (2) The printerstate (3) The printerstate (3) The printerstate (4) The printerstate (4) Important (5) The printerstate (6) The printerstate (5) The printers	presence of waters, which are or foreign commerce, inclu- presence of interstate waters presence of other waters such as wetlands, sloughs, prairie and of which could affect into which are or could be used by from which fish or shellfish which are or could be used by the waters of waters otherwipresence of a tributary to a waters of territorial seas.	e currently dding all wa including i h as intrasti potholes, we erstate com y interstate are or coul for industri se defined vater identi	ate lakes, rivers, streams (including intermittent streams), mudflats, yet meadows, playa lakes, or natural ponds, the use, degradation or imerce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. It does not be taken and sold in interstate or foreign commerce. It is purposes by industries in interstate commerce. It is a waters of the US.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Lavaca Bay is a navigable water, subject to the ebb and flow of the tide, and therefore, is subject to jurisdiction under the Rivers and Harbors Act.

5WG-2007-472

FILE NUMBER:

	TIEE NOMBER
	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other:  □ High Tide Line indicated by: □ oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics □ tidal gages other: As Stated by the Applicant
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated. intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
$\boxtimes$	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated prepared by (company):  This office does not concur with the delineation report, dated prepared by (company):  This office does not concur with the delineation report, dated prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Port Lavaca East  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Acological Survey 15 Minute Historic quadrangles:  U.S. Acological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S. Geological Survey 17 Minute Historic quadrangles:  U.S. Geological Survey 18 Minute Historic quadrangles:  U.S. Geological Survey 19 Minute Historic quadrangles:  U.S. Geological Survey 19 Minute Historic quadrangles:  U.S. Geological Survey 19 Minute Historic quadrangles:  U.S. Geological Survey 10 Minute Historic quadrangles:  U.S. Geological

de

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** Galveston District **FILE NUMBER:** SWG-2007-209

Stat	DJECT LOCATION INFORMATION: State: Texas	
Cer Ap <sub>l</sub> Nar	County: Nucces Center coordinates of site (latitude/longitude): 27-45-33.954 97-17-08 Approximate size of area (parcel) reviewed, including uplands: approx. 1 acre Name of nearest waterway: Corpus Christi Bay Name of watershed: Corpus Christi Bay	
	RISDICTIONAL DETERMINATION  Completed: Desktop determination	
Jur	Jurisdictional Determination (JD):	
	☐ Preliminary JD - Based on available information, ☐ there appear to be (or United States" and/or "navigable waters of the United States" on the project (Reference 33 CFR part 331).	
$\boxtimes$	Approved JD – An approved JD is an appealable action (Reference 33 CF Check all that apply:	PR part 331).
	☑ There are "navigable waters of the United States" (as defined by 33 C the reviewed area. Approximate size of jurisdictional area: 1 acre.	FR part 329 and associated guidance) within
	☐ There are "waters of the United States" (as defined by 33 CFR part 33 reviewed area. Approximate size of jurisdictional area:	28 and associated guidance) within the
	<ul> <li>There are "isolated, non-navigable, intra-state waters or wetlands" w</li> <li>Decision supported by SWANCC/Migratory Bird Rul Jurisdiction.</li> </ul>	
A.	A. Waters defined under 33 CFR part 329 as "navigable waters of the U  The presence of waters that are subject to the ebb and flow of the tide and the past, or may be susceptible for use to transport interstate or foreign co	or are presently used, or have been used in
	<ul> <li>B. Waters defined under 33 CFR part 328.3(a) as "waters of the United (1) The presence of waters, which are currently used, or were used in the interstate or foreign commerce, including all waters which are subject to to (2) The presence of interstate waters including interstate wetlands. (3) The presence of other waters such as intrastate lakes, rivers, streams (i sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, destruction of which could affect interstate commerce including any such (i) which are or could be used by interstate or foreign travelers for real (ii) from which fish or shellfish are or could be taken and sold in inte (iii) which are or could be used for industrial purposes by industries in (4) Impoundments of waters otherwise defined as waters of the US.</li> <li>(5) The presence of a tributary to a water identified in (1) – (4) above.</li> <li>(6) The presence of wetlands adjacent² to other waters of the US, except for the US, except for the US.</li> </ul>	past, or may be susceptible to use in the ebb and flow of the tide.  including intermittent streams), mudflats, or natural ponds, the use, degradation or waters (check all that apply): creational or other purposes.  erstate or foreign commerce.  in interstate commerce.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Project is located in Corpus Christi Bay a naviable waterway containing two federal channels

FILE NUMBER: SWG-2007-209

	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other:  □ tidal gages □ other:
	Mean High Water Mark indicated by:  ☐ survey to available datum: ☐ physical markings: ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service, Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated prepared by (company):  This office does not concur with the delineation report, dated prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Portland  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S. Geological Survey 17 Minute Historic quadrangles:  U.S. Geological Survey 18 Minute Historic quadrangles:  U.S. Geological Survey 19 Minute Historic quadrangles:

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RE

	NUMBER: 14392(06)/2103
St Co Co A	ECT LOCATION INFORMATION:  ate: Texas  cunty: Matagorda  cuter coordinates of site (latitude/longitude): 28 47 55 .86 - 95 40 5 .34  coproximate size of area (parcel) reviewed, including uplands: .01 acres.  ame of nearest waterway: Caney Creek  ame of watershed: East Matagorda Bay TX HUC 12090402
	DICTIONAL DETERMINATION  completed: Desktop determination
Jı	risdictional Determination (JD):
	Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or)} \subseteq there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
×	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	☐ There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
A	OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
B.	<ol> <li>(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.</li> <li>(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.</li> <li>(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):         <ul> <li>(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.</li> <li>(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.</li> <li>(iii) which are or could be used for industrial purposes by industries in interstate commerce.</li> </ul> </li> </ol>

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Caney Creek is a navigable water subject to ebb and tide flow, and therefore is jurisdictional under Section 10 of the Rivers and Harobrs Act.

(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

FILE NUMBER: 14392(06)/2103 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects fine shell or debris deposits (foreshore) the presence of litter and debris changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages other: as stated by applicant shelving other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  $\Box$ Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. , prepared by (company): This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Sargent, TX U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps:

Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., 62 cocurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

Revised 8/13/04

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** CESWG **FILE NUMBER:** D-18338

PROJE	CT LOCATIO	N INFORMATION:			
Sta					
		ntgomery			
		of site (latitude/longitude		Lat: 30-14-18.0689 N	Long: 95-27-20.5829 W
		of area (parcel) reviewed,		uplands: 449 acres.	
		aterway: San Jacinto Rive	ег		
Na	me of watershed	d: San Jacinto River			
HIDIOI	NICTIONAL D	ETERMINATION			
		ETERMINATION	⋈	Data: 16 March 2007	
Co	-	ktop determination	$\boxtimes$	Date: 16 March 2007	
	Site	visit(s)	$\boxtimes$	Date(s): 7 June 2006	
Jui	isdictional Det	termination (JD):			
$\boxtimes$	Preliminary JI	D - Based on available int	formation,	there appear to be (or	r) there appear to be no "waters of the
					et site. A preliminary JD is not appealable
	(Reference 33	CFR part 331).			
_					
			ppealable	action (Reference 33 CFF	R part 331).
	Check all that	apply;			
	□ <i>*</i> ′′	San and and the same of the f	U 4. 10.	4. P / . 4.C . 11 22 CF	20 - 200 - 4 - 234   21 - 2342
		area. Approximate size o			R part 329 and associated guidance) within
	the reviewed a	area. Approximate size o	Tjurisaicti	onai area: .	
	There are	"waters of the United Sta	tes" (as d	efined by 33 CFR part 30:	8 and associated guidance) within the
		. Approximate size of jur			o and associated guidance) within the
	reviewed area	Approximate size of jui	isarctiona	i di cas	
	☐ There are	"isolated, non-navigable,	intra-stat	te waters or wetlands" wit	hin the reviewed area.
					Information Sheet for Determination of No
		Jurisdiction.	•		
		TIONAL DETERMINA			
_				vigable waters of the Un	
· .					or are presently used, or have been used in
	the past, or ma	ay be susceptible for use <u>t</u>	o transpor	t interstate or foreign com	nmerce.
_					
В.				"waters of the United S	
					ast, or may be susceptible to use in
	interstate or ic	oreign commerce, including	ng an wate	ers which are subject to the	e ebb and flow of the tide.
H	(2) The preser	nce of interstate waters in	cluding in	iersiale wellands.	cluding intermittent streams), mudflats,
					r natural ponds, the use, degradation or
					vaters (check all that apply):
					reational or other purposes.
					state or foreign commerce.
				purposes by industries in	
		nents of waters otherwise			
$\boxtimes$		nce of a tributary to a water			
	(6) The preser	nce of territorial seas.			
$\boxtimes$	(7) The preser	nce of wetlands adjacent2	to other w	aters of the US, except fo	r those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The tract contains tributaries to the San Jacinto River and wetlands neighboring, and therefore, adjacent to, the San Jacinto River, a navigable water of the U.S. downstream of the project site.

FILE NUMBER: D-18338

⊠ Ordina □ c ⊠ ti □ c □ c □ c □ c □ c □ c	inary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:	)
	n High Water Mark indicated by: survey to available datum;  physical markings;  vegetation lines/changes in vegetation types.	
	land boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepare g-Oliver Associates	ed by:
☐ The re☐ Unable☐ Headq☐ The Co	r Not Asserting Jurisdiction: reviewed area consists entirely of uplands. ble to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). diquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  Corps has made a case-specific determination that the following waters present on the site are not Water sed States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling by rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation abandoned and the resulting body of water meets the definition of waters of the United States found a 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain ratio	asins, or dry land for is at 33 CFR
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):	
Maps, Data si Data si Th Data si Corpsi U.S. O U.S. O U.S. O USDA Nation State/I FEMA 100-ye Aerial	EWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  s, plans, plots or plat submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated 19 March 2007, prepared by (company): Berg-Oliv This office does not concur with the delineation report, dated  , prepared by (company): a sheets prepared by the Corps.  so's navigable waters' studies:  Geological Survey Hydrologic Atlas:  Geological Survey 7.5 Minute Topographic maps: Tamina, Tex.  Geological Survey 7.5 Minute Historic quadrangles:  Geological Survey 15 Minute Historic quadrangles:  OA Natural Resources Conservation Service Soil Survey:  onal wetlands inventory maps:  E/Local wetland inventory maps:  MA/FIRM maps (Map Name & Date): Montgomery County Panels 530 and 535 of 750 dated 19 December of the photographs (Name & Date): True Color and Infrared the photographs (Name & Date): True Color and Infrared the photographs (Date):  anced Identification Wetland maps:	
DATA REVIEV  Maps, Data si Data si Th Data si Corps' U.S. G Astion State/I FEMA 100-ye Aerial	Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationals:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):  EWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): s, plans, plots or plat submitted by or on behalf of the applicant. Is sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated 19 March 2007, prepared by (company): Berg-Oliv This office does not concur with the delineation report, dated , prepared by (company): Is sheets prepared by the Corps. So's navigable waters' studies: Geological Survey Hydrologic Atlas: Geological Survey Hydrologic Atlas: Geological Survey 7.5 Minute Topographic maps: Tamina, Tex. Geological Survey 7.5 Minute Historic quadrangles: OA Natural Resources Conservation Service Soil Survey: onal wetlands inventory maps: EA/FIRM maps (Map Name & Date): Montgomery County Panels 530 and 535 of 750 dated 19 Decembers of the protographs (Name & Date): True Color and Infrared er photographs (Name & Date): True Color and Infrared er photographs (Date):	ver Ass

<sup>&</sup>lt;sup>1</sup>Wctlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** Galveston District **FILE NUMBER:** SWG-2007-370

State: Texas County: Arransas Conter coordinates of site (latitude/longitude): 28-5-21.98 97-2-4.86 Approximate size of area (parcel) reviewed, including uplands: approx. 0.03 acres. Name of nearest waterway: Aransas Bay Name of watershed: Aransas Bay  JURISDICTIONAL DETERMINATION Completed: Desktop determination   Date: 16 March 2007 Site visit(s)   Date(s):  Jurisdictional Determination (JD):  Preliminary JD - Based on available information,   there appear to be (or)   there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).  Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:  There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.03 acre.  There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: acre.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.  BASIS OF JURISDICTIONAL DETERMINATION:  A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":  The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible to use in interstate or foreign commerce.  B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":  (1) The presence of owaters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce.  (2) The presence of owaters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce.  (3)				FORMATION:		
Completed: Desktop determination   Date: 16 March 2007   Site visit(s)   Date(s):    Jurisdictional Determination (JD):   Preliminary JD - Based on available information,   there appear to be (or)   there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).    Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331).   Check all that apply:   There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.03 acre.   There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: acre.   There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.   Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.    BASIS OF JURISDICTIONAL DETERMINATION:   A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":   The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.   (1) The presence of office states waters including all waters which are subject to the ebb and flow of the tide.   (2) The presence of office states waters including interstate waters including interstate waters which are subject to the ebb and flow of the tide.   (2) The presence of office state waters including interstate waters including interstate waters including interstate waters including all waters which are subject to the ebb and flow of the tide.   (2) The presence of offer waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairic potholes, wet meadows, playa lakes, o	Cor Cer App Nai	unty: nter coordin proximate s me of neare	ates of sit ize of area st waterw	a (parcel) reviewed ay: Aransas Bay		
Preliminary JD - Based on available information,		mpleted:	Desktop (	determination		
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).  Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331).  Check all that apply:    There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.03 acre.    There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: acre.    There are "isolated. non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.  BASIS OF JURISDICTIONAL DETERMINATION:  A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":    The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.    B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":    (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including interstate wetlands.    (2) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):    (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.   (ii) from which fish or shellfish are or could be taken and sold in interstate commerce.   (iii) which are or could be used for industrial purposes by industries in interstate commerce.   (i	Jur	isdictional	Determi	nation (JD):		
Check all that apply:    There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.03 acre.    There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: acre.    There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.    Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.    BASIS OF JURISDICTIONAL DETERMINATION:   A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":   The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.    Waters defined under 33 CFR part 328.3(a) as "waters of the United States":   (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.   (2) The presence of interstate waters including interstate wetlands'.   (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):   (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.   (ii) from which fish or shellfish are or could be taken and sold in interstate commerce.   (iii) which are or could be used for industrial purposes by industries in interstate commerce.   (iii) which are or could be used for industrial purposes by industries in interstate commerce.   (iii) from which fish or		United Sta	ates" and/	or "navigable wate		
the reviewed area. Approximate size of jurisdictional area: 0.03 acre.    There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: acre.    There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.    BASIS OF JURISDICTIONAL DETERMINATION:   A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":     The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.    B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":     (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.     (2) The presence of interstate waters including interstate wetlands!     (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):     (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.     (ii) which are or could be used for industrial purposes by industries in interstate commerce.     (iii) which are or could be used for industrial purposes by industries in interstate commerce.     (iii) which are or could be used for industrial purposes by industries in interstate commerce.     (iii) which are or could be used for industrial purposes by industries in interstate commerce.     (6) The presence of a tributary to a wate	$\boxtimes$				appealable	action (Reference 33 CFR part 331).
reviewed area. Approximate size of jurisdictional area: acre.    There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.   Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.    BASIS OF JURISDICTIONAL DETERMINATION:   A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":   The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.    B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":   (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.   (2) The presence of interstate waters including interstate wetlands.   (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):   (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.   (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.   (iii) which are or could be used for industrial purposes by industries in interstate commerce.   (4) Impoundments of waters otherwise defined as waters of the US.   (5) The presence of territorial seas.						
Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.  BASIS OF JURISDICTIONAL DETERMINATION:  A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":  The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.  B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":  (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.  (2) The presence of interstate waters including interstate wetlands.  (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):  (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.  (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.  (iii) which are or could be used for industrial purposes by industries in interstate commerce.  (iii) which are or could be used for industrial purposes by industries in interstate commerce.  (4) Impoundments of waters otherwise defined as waters of the US.  (5) The presence of a tributary to a water identified in (1) – (4) above.						
<ul> <li>A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":  The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.</li> <li>B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":  (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.</li> <li>(2) The presence of interstate waters including interstate wetlands¹.</li> <li>(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):  (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.</li> <li>(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.</li> <li>(iii) which are or could be used for industrial purposes by industries in interstate commerce.</li> <li>(4) Impoundments of waters otherwise defined as waters of the US.</li> <li>(5) The presence of a tributary to a water identified in (1) – (4) above.</li> <li>(6) The presence of territorial seas.</li> </ul>		☐ There		Decision supported		
<ul> <li>☐ (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.</li> <li>☐ (2) The presence of interstate waters including interstate wetlands¹.</li> <li>☐ (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):</li> <li>☐ (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.</li> <li>☐ (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.</li> <li>☐ (iii) which are or could be used for industrial purposes by industries in interstate commerce.</li> <li>☐ (4) Impoundments of waters otherwise defined as waters of the US.</li> <li>☐ (5) The presence of a tributary to a water identified in (1) – (4) above.</li> <li>☐ (6) The presence of territorial seas.</li> </ul>	A.	Waters de The presen	efined un	der 33 CFR part 3 ters that are subject	329 as "na to the ebb	and flow of the tide and/or are presently used, or have been used in
		(1) The printerstate (2) The printerstate (3) The printerstate (3) The printerstate (4) The printerstate (5) The printerstate (6) The printerstate (7) The p	resence of or foreign resence of wetlands, n of which are of which are which are andments resence of	waters, which are a commerce, included interstate waters in other waters such a sloughs, prairie point could affect intersection or could be used by a fish or shellfish are could be used for waters otherwise a tributary to a waterritorial seas.	currently using all water cluding in as intrastate tholes, we state comminterstate or could r industria defined as ter identificater identific	sed, or were used in the past, or may be susceptible to use in ers which are subject to the ebb and flow of the tide. terstate wetlands <sup>1</sup> .  e lakes, rivers, streams (including intermittent streams), mudflats, t meadows, playa lakes, or natural ponds, the use, degradation or herce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. be taken and sold in interstate or foreign commerce. I purposes by industries in interstate commerce. I purposes of the US.  ed in (1) – (4) above.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Proposed work will occur in Aransa Bay, a navigable water containing a portion of the GIWW

FILE NUMBER: SWG-2007-370

Lat	Geral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)         Ordinary High Water Mark indicated by:       □ High Tide Line indicated by:         □ clear, natural line impressed on the bank       □ oil or scum line along shore objects         □ the presence of litter and debris       □ fine shell or debris deposits (foreshore)         □ changes in the character of soil       □ physical markings/characteristics         □ destruction of terrestrial vegetation       □ tidal gages         □ shelving       □ other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Rockport  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Autural Resources Conservation Service Soil Survey:  National wetlands inventory maps: Rockport  Statc/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date):  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG-PE-RC** FILE NUMBER: SWG-2007-88

BAS

<b>PROJE</b>	CT LOCATION II	NFORMATION:		
Cer Ap Na	unty: Victoria nter coordinates of s proximate size of ar	a & Jackson site (latitude/longitude) ea (parcel) reviewed, i way: Garcitas Creek Garcitas Creek		(Site I) UTM 14, 724634E, 3185357N uplands: ~6 acres.
	DICTIONAL DETI mpleted: Desktop Site visi		×	Date: 20 March 2007 Date(s): 7 February 2007
Ju	isdictional Determ	ination (JD):		
<b>₹</b>		d/or "navigable waters		there appear to be (or) there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable
$\boxtimes$	Approved JD – All Check all that app		pealable	action (Reference 33 CFR part 331).
		vigable waters of the U Approximate size of		tes" (as defined by 33 CFR part 329 and associated guidance) within onal area: 1 acre.
	☑ There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 1 acre.			
	There are "iso			e waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No
	Waters defined u The presence of w	aters that are subject to	9 as "na the ebb	vigable waters of the United States": and flow of the tide and/or are presently used, or have been used in t interstate or foreign commerce.
	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":  (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.  (2) The presence of interstate waters including interstate wetlands.  (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):  (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.  (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.  (iii) which are or could be used for industrial purposes by industries in interstate commerce.  (4) Impoundments of waters otherwise defined as waters of the US.  (5) The presence of a tributary to a water identified in (1) – (4) above.  (6) The presence of territorial seas.			
Rat	ionale for the Rasi	is of Jurisdictional De	termina	tion (applies to any hoves checked above). If the jurisdictional

water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Garcitas Creek is a navigable water of the U.S. subject to the ebb and flow of the tide

FILE NUMBER: SWG-2007-88 (Site 1)

	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:    Image: Clear, natural line impressed on the bank the presence of litter and debris the presence of soil changes in the character of soil physical markings/characteristics tidal gages other:
¥.00	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
1	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bai	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
$\boxtimes$	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated 4 January 2007, prepared by (company): S&B    This office does not concur with the delineation report, dated 4 , prepared by (company): S&B    This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: LaSalle, Tex.  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  USDA Natural Resources Conservation Service Soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date): Panel 4800970200C, Published 3 January 1985  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): 1995 DOQQ & 2004 NAIP  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on: 7 February 2007  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG-PE-RC FILE NUMBER: SWG-2007-88

Sta Co Ce Ap Na	te: Texas unty: Calhoun nter coordinates of site (latitude/longitude proximate size of area (parcel) reviewed, me of nearest waterway: Coloma Creek me of watershed: Coloma Creek	e): including	(Site 2) UTM 14, 739343E, 3151902N uplands: 12.9 acres.		
	pictional determination mpleted: Desktop determination Site visit(s)	X X	Date: 20 March 2007 Date(s): 7 February 2007		
Jui	isdictional Determination (JD):				
***	Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).				
×	Approved JD – An approved JD is an a Check all that apply:	ppealable	action (Reference 33 CFR part 331).		
	There are "navigable waters of the the reviewed area. Approximate size of	United Sta f jurisdicti	ites" (as defined by 33 CFR part 329 and associated guidance) within ional area:		
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:				
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of Jurisdiction.				
A.	The state of the s	29 as "na to the ebb	and flow of the tide and/or are presently used, or have been used in		
B.	(1) The presence of waters, which are c interstate or foreign commerce, includir (2) The presence of interstate waters inc (3) The presence of other waters such a sandflats, wetlands, sloughs, prairie pot destruction of which could affect interst (i) which are or could be used by in (ii) from which fish or shellfish are (iii) which are or could be used for (4) Impoundments of waters otherwise (5) The presence of a tributary to a wate (6) The presence of territorial seas.	urrently using all water cluding into a intrastate tholes, we that communiterstate of could industrial defined as a ridentification.	sed, or were used in the past, or may be susceptible to use in ers which are subject to the ebb and flow of the tide.  terstate wetlands!.  te lakes, rivers, streams (including intermittent streams), mudflats, a meadows, playa lakes, or natural ponds, the use, degradation or erce including any such waters (check all that apply):  r foreign travelers for recreational or other purposes.  be taken and sold in interstate or foreign commerce.  purposes by industries in interstate commerce.  waters of the US.		

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Coloma Creek is a navigable water of the U.S. subject to the ebb and flow of the tide. Wetalnds adjacent to (contiguous) Coloma Creek.

FILE NUMBER: SWG-2007-88 (Site 2)

	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  Clear, natural line impressed on the bank  Oil or scum line along shore objects
	the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
⊠	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
$\boxtimes$	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
	Other (explain):
$\boxtimes$	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  ☐ This office concurs with the delineation report, dated 4 January 2007, prepared by (company): S&B ☐ This office does not concur with the delineation report, dated 7, prepared by (company): Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Seadrift, Tex.  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  USDA Natural Resources Conservation Service Soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date): Panel 4806370300B, Published 18 September 1987  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): 1995 DOQQ & 2004 NAIP  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on: 7 February 2007  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RE FILE NUMBER: 14392(06)/2101

<b>PROJE</b> (	CT LOCATION INFORMATION:			
Stat				
	inty: Matagorda			
	ter coordinates of site (latitude/longit		28 48 44.8702 - 95 39 40.5531	
	proximate size of area (parcel) review		g uplands: .01 acres.	
	ne of nearest waterway: Caney Creel			
Nan	ne of watershed: East Matagorda	Bay TX H	UC 12090402	
HIDION	ICTIONAL DETERMINATION			
	npleted: Desktop determination	M	Date: 3/20/2007	
Coi	-	<b>⊠</b>		
	Site visit(s)		Date(s):	
Jur	isdictional Determination (JD):			
3.5			, \(\sum \) there appear to be (or) \(\sum \) there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable	
Ø	Approved JD – An approved JD is a Check all that apply:	n appealable	e action (Reference 33 CFR part 331).	
	There are "navigable waters of t the reviewed area. Approximate size		ates" (as defined by 33 CFR part 329 and associated guidance) within tional area:	
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:			
			ate waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of N	
A.		t 329 as "na	vigable waters of the United States":	
X	the past, or may be susceptible for u		and flow of the tide and/or are presently used, or have been used in rt interstate or foreign commerce.	
В.	Waters defined under 33 CFR par			
$\boxtimes$			used, or were used in the past, or may be susceptible to use in	
			ers which are subject to the ebb and flow of the tide.	
	(2) The presence of interstate waters			
66 - 1. 56 - 1			te lakes, rivers, streams (including intermittent streams), mudflats,	
			t meadows, playa lakes, or natural ponds, the use, degradation or	
	destruction of which could affect int	erstate comm	nerce including any such waters (check all that apply):	
	(ii) from which fish or shellfish	y interstate t	or foreign travelers for recreational or other purposes. be taken and sold in interstate or foreign commerce.	
			l purposes by industries in interstate commerce.	
141	(4) Impoundments of waters otherwi			
	(5) The presence of a tributary to a v			
	(6) The presence of territorial seas.	a.c. identill	σα m (·) (τ) αυστο.	
		nt2 to other v	vaters of the US, except for those wetlands adjacent to other wetlands	
Rat	ionale for the Basis of Jurisdictiona	l Determina	ation (applies to any boxes checked above). If the jurisdictional	

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Caney Creek is a navigable water subject to ebb and tide flow, and therefore is jurisdictional under Section 10 of the Rivers and Harobrs Act.

FILE NUMBER: 14392(06)/2101 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) High Tide Line indicated by: Ordinary High Water Mark indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: as stated by applicant other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): ☐ This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: W.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Sargent, TX U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:

Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e.,  $\beta \mathcal{E}$  occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: D-19222

I ILL IV	ONIDISK. D-172			
Stat Cou Cen App Nar	te: Texas  Inty: Liberty  Inter coordinates of  Droximate size of  The of nearest water	-	Site-2	30 04' 45" N, 94 57' 05" W 30 05' 44" N, 94 58' 07" W 3 uplands: Site-1 = 416-acres and Site-2 = 167-acres.
		TERMINATION op determination isit(s)	⊠ ⊠	Date: 21 March 2007 Date(s): 21 March 2007
Jur	isdictional Deter	mination (JD):		
$\boxtimes$	Preliminary JD	- Based on available in and/or "navigable water		, there appear to be (or) there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable
	Approved JD – Check all that a		appealable	action (Reference 33 CFR part 331).
		navigable waters of the ea. Approximate size of		ates" (as defined by 33 CFR part 329 and associated guidance) within ional area:
	☐ There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:			
	☐ There are "i			te waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No.
	Waters defined The presence of	waters that are subject	3 <b>29 as "na</b> to the ebb	avigable waters of the United States":  o and flow of the tide and/or are presently used, or have been used in art interstate or foreign commerce.
B.	(1) The presence interstate or force (2) The presence (3) The presence sandflats, wetlar destruction of well (ii) which a (iii) from well (iii) which (4) Impoundme (5) The presence (6) The presence (6)	e of waters, which are of eign commerce, including the of interstate waters in e of other waters such a chick could affect interstree or could be used by the high fish or shellfish are or could be used four of waters otherwise of a tributary to a wale of territorial seas.	currently ung all wat acluding in trastal tholes, we state commenterstate or could rindustria defined a ter identification.	te lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. It be taken and sold in interstate or foreign commerce. It purposes by industries in interstate commerce. It swaters of the US.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: There are nop waters of the United States within the project area

FILE NUMBER: D-19222

Lat	ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or exeavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	<ul> <li>Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:</li> <li>Other (explain):</li> </ul>
	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, prepared by:  This office does not concur with the delineation report, prepared by:  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Dayton, Texas quad  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Actional Resources Conservation Service Soil Survey: Liberty County, Texas  National wetlands inventory maps: Dayton, Texas quad  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date): Liberty County, Texas, Panel 200, 30 September 1988  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): 2004 NAIP color infrared  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify): NRCS and ESA Crop History

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

 $<sup>^2</sup>$ The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** Galveston 2007-359-RC FILE NUMBER: PROJECT LOCATION INFORMATION: State: Texas County: Montgomery Center coordinates of site (latitude/longitude): 30° 12' 24"N, 95° 28' 40"W Approximate size of area (parcel) reviewed, including uplands: 13.7 acres. Name of nearest waterway: Harpers Horsepen Branch Name of watershed: San Jacinto River JURISDICTIONAL DETERMINATION Date: 03/21/07 Completed: Desktop determination Date(s): 03/09/07 Site visit(s) Jurisdictional Determination (JD): Preliminary JD - Based on available information, \( \square\$ there appear to be (or) \( \square\$ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands<sup>1</sup>. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) - (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands are isolated with no known nexus to interstate commerce or known hydrological connection to another water of the United States.

	<del>-</del>
FII	LE NUMBER: 2007-359-RC
Lat चि	Ordinary High Water Mark indicated by:  Clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
***	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
$\boxtimes$	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Entrix
Bas S S	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
DATA F	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, datedFeb 2007 by (company): Entrix  This office does not concur with the delineation report, dated, prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Tamina, Texas  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Astural Resources Conservation Service Soil Survey: Montgomery County Soil Survey  National wetlands inventory maps: NWI, Tamina, 1999 & 1983  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date): 48339C0530F, Dec 19, 1996  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): 1995 DOQQ and 2004 CIR (Entrix)  Other photographs (Date): Site photos  Advanced Identification Wetland maps:  Site visit/determination conducted on: 3/9/07  Applicable/supporting case law:  Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Galveston 2007-346-RC FILE NUMBER: PROJECT LOCATION INFORMATION: State: Texas County: Montgomery Center coordinates of site (latitude/longitude): 30° 12' 23"N, 95° 28' 47"W Approximate size of area (parcel) reviewed, including uplands: 5.4 acres. Name of nearest waterway: Harpers Horsepen Branch Name of watershed: San Jacinto River JURISDICTIONAL DETERMINATION Completed: Desktop determination  $\boxtimes$ Date: 03/21/07 Ø Date(s): 03/09/07Site visit(s) Jurisdictional Determination (JD): Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands<sup>1</sup>. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) - (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands are isolated with no known nexus to interstate commerce or known hydrological connection to another water of the United States.

FILE NUMBER:	2007-346-RC

	Ordinary High Water Mark indicated by:  Clear, natural line impressed on the bank  Changes in the character of soil  destruction of terrestrial vegetation  shelving  other:  High Tide Line indicated by:  oil or scum line along shore objects  fine shell or debris deposits (foreshore)  physical markings/characteristics  tidal gages  other:				
E	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.				
$\boxtimes$	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Entrix				
Bas S	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).				
$\boxtimes$	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  ☐ This office concurs with the delineation report, datedFeb 2007 by (con:pany): Entrix  This office does not concur with the delineation report, datedFeb 2007 by (con:pany): Entrix  This office does not concur with the delineation report, dated, prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Tamina, Texas  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. As Natural Resources Conservation Service Soil Survey: Montgomery County Soil Survey  National wetlands inventory maps: NWI, Tamina, 1999 & 1983  State/Local wetland inventory maps: (NGVD)  Aerial Photographs (Mame & Date): 48339C0530F, Dec 19, 1996  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): 1995 DOQQ and 2004 CIR (Entrix)  Other photographs (Date): Site photos  Advanced Identification Wetland maps:  Site visit/determination conducted on: 3/9/07  Applicable/supporting case law:  Other information (please specify):				

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG-PE-RE **FILE NUMBER:** 14392(06)/2083

FILE N	UMBER: 14392(00)/2083				
Stat Cou Cer App Nar	CT LOCATION INFORMATION:  e: Texas  inty: Calhoun  ter coordinates of site (latitude/longitude): 28 37 47.7515 - 96 31 12.5590  oroximate size of area (parcel) reviewed, including uplands: .01 acres.  ne of nearest waterway: Matagorda Bay  ne of watershed: East Matagorda Bay TX HUC 12100401				
HIDICE	ICTIONAL DETERMINATION				
	npleted: Desktop determination Site visit(s) Date: 3/21/2007  Date: 3/21/2007  Date(s):				
Jur	isdictional Determination (JD):				
	Preliminary JD - Based on available information, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).				
×	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:				
	☑ There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:				
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:				
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.				
DACIC (	OF JURISDICTIONAL DETERMINATION:				
A.	Waters defined under 33 CFR part 329 as "navigable waters of the United States":  The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.				
B. ⊠	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":  (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.				
<u> </u>	(2) The presence of interstate waters including interstate wetlands.  (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):				
	(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.  (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.  (iii) which are or could be used for industrial purposes by industries in interstate commerce.				
	<ul> <li>(4) Impoundments of waters otherwise defined as waters of the US.</li> <li>(5) The presence of a tributary to a water identified in (1) – (4) above.</li> <li>(6) The presence of territorial seas.</li> <li>(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.</li> </ul>				

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Matagorda Bay is a navigable water subject to ebb and tide flow, and therefore is jurisdictional under Section 10 of the Rivers and Harobrs Act.

FILE NUMBER: 14392(06)/2083 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: oil or scum line along shore objects clear, natural line impressed on the bank the presence of litter and debris fine shell or debris deposits (foreshore) physical markings/characteristics changes in the character of soil destruction of terrestrial vegetation tidal gages shelving other: as stated by applicant other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased.  $\Box$ Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. , prepared by (company): ☐ This office concurs with the delineation report, dated This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Port Lavaca East, TX U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** CESWG-PE-RE **FILE NUMBER:** 14392(06)/2096

PROJE	CT LOCA	ATION IN	FORMATION:		
Sta	te:	Texas			
	unty:	Matagoro			
			te (latitude/longitud		28 49 7.9143 - 96 8 35.5806
					g uplands: .01 acres.
			ay: Tres Palacios B		
Na	me of wate	rshed:	East Matagorda Ba	y TX HU	JC 12100401
JURISI	NCTION	AL DETE	RMINATION		
			determination	$\boxtimes$	Date: 3/21/2007
-	picteu.	Site visit		$\boxtimes$	Date(s):
		Site visit	(3)	[2]	Date(5).
Ju	risdictiona	l Determi	nation (JD):		
33	United S	tates" and/			, \( \text{there appear to be (or)} \) \( \text{there appear to be no "waters of the nited States"} \) on the project site. A preliminary JD is not appealable
☒		d JD – An l that apply		appealable	action (Reference 33 CFR part 331).
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:				
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:				
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of N Jurisdiction.				
BASIS	OF JURIS	DICTION	NAL DETERMINA	ATION:	
					vigable waters of the United States":
	The pres	ence of wa	ters that are subject	to the ebb	and flow of the tide and/or are presently used, or have been used in t interstate or foreign commerce.
В.	Waters	defined un	ider 33 CFR part 3	28.3(a) as	s "waters of the United States":
$\boxtimes$					sed, or were used in the past, or may be susceptible to use in
	interstate	or foreign	commerce, includi	ng all wate	ers which are subject to the ebb and flow of the tide.
<b>*</b>			interstate waters in		
					e lakes, rivers, streams (including intermittent streams), mudflats,
					t meadows, playa lakes, or natural ponds, the use, degradation or
					nerce including any such waters (check all that apply):
	(i) v	vhich are o	r could be used by i	nterstate o	or foreign travelers for recreational or other purposes.
(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.					
	(iii) which are or could be used for industrial purposes by industries in interstate commerce.				
			of waters otherwise		
B				er identifie	ed in (1) – (4) above.
	(6) The presence of territorial seas.				
Ž; 1	(7) The p	resence of	wetlands adjacent	to other w	vaters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Tres Palacios River is a navigable water subject to ebb and tide flow, and therefore is jurisdictional under Section 10 of the Rivers and Harobrs Act.

FILE NUMBER: 14392(06)/2096 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages other: as stated by applicant shelving other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Blessing, TX U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): (NGVD) 100-year Floodplain Elevation is: Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: ig. Site visit/determination conducted on:

Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., BK occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

	CT OFFICE: CESWG-PE-RE UMBER: 14392(06)/2102							
Stat Cou Cen App Nar	CT LOCATION INFORMATION:  te: Texas  unty: Matagorda  ter coordinates of site (latitude/longitude): 28 44 48.6051 95 59 56.8981  proximate size of area (parcel) reviewed, including uplands: .02 acres.  me of nearest waterway: Colorado River  me of watershed: East Matagorda Bay, TX HUC 12100401							
	DICTIONAL DETERMINATION  mpleted: Desktop determination							
Jur	Jurisdictional Determination (JD):  Preliminary JD - Based on available information, ☐ there appear to be (or) ☐ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).							
×	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331).  Check all that apply:							
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:							
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:							
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of Jurisdiction.							
A.	A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":  The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.							
B. ⊠	<ul> <li>(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.</li> <li>(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.</li> </ul>							

- sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
- (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Colorado River is a navigable water subject to ebb and tide flow, and therefore is jurisdictional under Section 10 of the Rivers and Harobrs Act.

FILE NUMBER: 14392(06)/2102 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects fine shell or debris deposits (foreshore) the presence of litter and debris changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation ☐ tidal gages other: as stated by applicant ☐ shelving other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Matagorda, TX U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date):

Advanced Identification Wetland maps:

Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Jan.

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., place occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG-PE-RE **FILE NUMBER:** SWG-2007-340

PRO	OJEC	CT LOCATION I	INFORMATION:					
	State	e: Texas			· · · · · · · · · · · · · · · · · · ·			
	Cou	nty: Galves	ton					
	Cent	ter coordinates of	site (latitude/longitude	e):	Latitude 29° 29' 03.40"N; Longitude 94° 33' 44.19"W			
			rea (parcel) reviewed,					
			rway: Gulf of Mexico					
		ne of watershed:	Coastal Huc: 1204	10202				
HII	SISD	ICTIONAL DET	TERMINATION					
001		npleted: Deskto		<b>M</b>	Date: 21 March 2007			
	Con	-	-	×				
		Site vis	sit(s)	Ess	Date(s):			
	Juri	isdictional Deterr	mination (JD):					
		Preliminary JD -	Based on available int	formation.	there appear to be (or) there appear to be no "waters of the			
	-	United States" ar	nd/or "navigable water	s of the U	nited States" on the project site. A preliminary JD is not appealable			
		(Reference 33 CI						
		(11010101100 00 01						
	×.	Approved JD - A	An approved JD is an a	nnealable	action (Reference 33 CFR part 331).			
		Check all that ap		ppouluoio	auton (territorios de en repairdor).			
		chook an ana ap	P-7.					
		There are "na	vigable waters of the l	United Sta	ates" (as defined by 33 CFR part 329 and associated guidance) within			
		the reviewed area	a. Approximate size of	f inrisdict	ional area.			
		ale for low ea area	Approximate size of	i jui isaicu	Contact and the contact and th			
		There are "w	aters of the United Sta	tes" (as d	efined by 33 CFR part 328 and associated midance) within the			
There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within reviewed area. Approximate size of jurisdictional area:  There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.								
					ii di Cdi.			
					te waters or wetlands" within the reviewed area			
		There are is			NCC/Migratory Bird Rule Information Sheet for Determination of No			
		2201	Jurisdiction.	by SWA	Neer Migratory Bird Rule information sheet for Beet mination of No			
			Julisaletion.					
DA 6	212	E HIDISDICTIO	ONAL DETERMINA	TION.				
DA					vigable waters of the United States":			
	Α.	The management	under 33 CFR part 3	29 85 "N8	vigable waters of the United States":			
		The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in						
		the past, or may be susceptible for use to transport interstate or foreign commerce.						
	_	137 / 1 67 1	1 44 CED 44	20.2( )	#			
	В.	waters defined	under 33 CFR part 3	28.3(a) as	"waters of the United States":			
		(1) The presence	of waters, which are c	urrentiy u	sed, or were used in the past, or may be susceptible to use in			
	anton				ers which are subject to the ebb and flow of the tide.			
			of interstate waters in					
	<b>S</b>	(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,						
		sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or						
					nerce including any such waters (check all that apply):			
		(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.						
		(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.						
					l purposes by industries in interstate commerce.			
	200		ts of waters otherwise					
			of a tributary to a water					
		(6) The presence of territorial seas.						
氮		(7) The presence of wetlands adjacent <sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.						
		, ,			, , , , , , , , , , , , , , , , , , , ,			

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands adjacent to the Gulf of Mexico.

FILE NUMBER: SWG-2007-340

	Paral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  Clear, natural line impressed on the bank  the presence of litter and debris  changes in the character of soil  destruction of terrestrial vegetation shelving other:  High Tide Line indicated by:  oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.  Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Basi	is For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
24	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated prepared by (company):  This office does not concur with the delineation report, dated prepared by (company):  This office does not concur with the delineation report, dated prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Caplen  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify): Verified Wetland Delineation D-18804, letter dated 29 January 2007.

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** CESWG-PE-RE **FILE NUMBER:** 22101(01)

			FURMATION:					
Stat		Texas						
	County: San Jacinto							
	Center coordinates of site (latitude/longitude): Approximate size of area (parcel) reviewed, including uplands: 0.05 acres.							
					guplands: 0.05 acres.			
			ay: Lake Livingsto	n				
Nan	ne of wate	rshed:	Trinity River					
			RMINATION	<b>1</b> 521	Date: 22 March 2007			
Cor	npietea:	Site visit	determination (s)	$\boxtimes$	Date(s):			
Jur	isdictiona	l Determi	nation (JD):					
<u> </u>	Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or)} \subseteq there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).							
×		d JD – An I that apply		appealable	e action (Reference 33 CFR part 331).			
	There the revie	e are "navi wed area.	gable waters of the Approximate size	United State of jurisdict	ates" (as defined by 33 CFR part 329 and associated guidance) within ional area: $0.05$ acre.			
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: acre.							
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination o Jurisdiction.							
BASIS (	TE HIDIS	DICTION	NAL DETERMIN	ATION.				
					vigable waters of the United States":			
	<ul> <li>Waters defined under 33 CFR part 329 as "navigable waters of the United States":</li> <li>The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used i the past, or may be susceptible for use to transport interstate or foreign commerce.</li> </ul>							
В.	Waters	defined ur	der 33 CFR part	328.3(a) a:	s "waters of the United States":			
					ised, or were used in the past, or may be susceptible to use in			
					ers which are subject to the ebb and flow of the tide.			
	<ul> <li>(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.</li> <li>(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudfl</li> </ul>							
sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use destruction of which could affect interstate commerce including any such waters (check all that ap								
		(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.						
-	(iii) which are or could be used for industrial purposes by industries in interstate commerce.  (4) Impoundments of waters otherwise defined as waters of the US.							
Щ								
	<ul> <li>(5) The presence of a tributary to a water identified in (1) – (4) above.</li> <li>(6) The presence of territorial seas.</li> </ul>							
	(6) The p	presence of	wetlands adjacent	to other v	waters of the US, except for those wetlands adjacent to other wetlands.			

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Lake Livingston is a navigable water of the United States.

**FILE NUMBER: 22101(01)** Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: survey pool elevation Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. , prepared by (company): This office concurs with the delineation report, dated This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Blanchard, Texas U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on:

Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** CESWG-PE-RC **FILE NUMBER:** SWG-2007-275

<b>PROJE</b>	CT LOCAT	ION IN	FORMATION:					
Sta		exas						
		ustin						
			e (latitude/longitud		Lat: 29.45.10 Long: 96.15.11			
					uplands: 12 acres.			
			ay: Unnamed Tribu	itary to Cro	ooked Branch			
Nai	ne of watersh	iea:	San Bernard					
JURISE	ICTIONAL	DETE	RMINATION					
Co	mpleted: D	esktop o	determination	1	Date:			
	S	ite visit(	s)	$\boxtimes$	Date(s): 23 March 2007			
Luc	isdiational F	latarmi	nation (ID):					
Jur	isdictional <b>D</b>		, ,					
	Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).							
$\boxtimes$	Approved J Check all th			appealable	action (Reference 33 CFR part 331).			
			gable waters of the Approximate size of		ates" (as defined by 33 CFR part 329 and associated guidance) within ional area:			
	☐ There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:							
	☐ There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  ☐ Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of Jurisdiction.							
BASIS (	OF JURISDI	ICTION	AL DETERMINA	ATION:				
					vigable waters of the United States":			
	The presence	e of wat	ers that are subject	to the ebb	and flow of the tide and/or are presently used, or have been used in rt interstate or foreign commerce.			
В.	Waters def	ined un	der 33 CFR part 3	328.3(a) as	s "waters of the United States":			
					ised, or were used in the past, or may be susceptible to use in			
					ers which are subject to the ebb and flow of the tide.			
	(2) The presence of interstate waters including interstate wetlands <sup>1</sup> .							
					e lakes, rivers, streams (including intermittent streams), mudflats,			
					t meadows, playa lakes, or natural ponds, the use, degradation or			
					nerce including any such waters (check all that apply):			
					or foreign travelers for recreational or other purposes.			
	<ul> <li>(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.</li> <li>(iii) which are or could be used for industrial purposes by industries in interstate commerce.</li> </ul>							
[3]		(4) Impoundments of waters otherwise defined as waters of the US.						
H		5) The presence of a tributary to a water identified in (1) – (4) above.						
(6) The presence of territorial seas.								
(7) The presence of wetlands adjacent <sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetl								

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: SWG-2007-275 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant.

Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. ☐ Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Cat Spring, TX U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: Austin County, TX National wetlands inventory maps: Cat Spring, TX State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 250D, 16 June 1999 ☐ 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995, 2004 IR Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: 23 March 2007 Applicable/supporting case law:

Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.